

**REMARKS**

Claims 25-59 are pending in the subject application. Claims 28, 35, 42, 48, and 51-59 are canceled without prejudice. Claims 25, 32, 38, 39, and 45 have been amended. Support for the within amendments is found throughout the specification and claims, as filed, and no new matter is presented by virtue of these amendments. Claims 25-27, 29-34, 36-41, 43-47, and 49-50 will be pending upon entry of the instant response.

Amendment of any claim herein is not to be construed as acquiescence to any of the rejections/objections set forth in the instant Office Action, and was done to expedite prosecution of the application. Applicants make these amendments without prejudice to pursuing the original subject matter of this application in a later filed application claiming benefit of the instant application, including without prejudice to any determination of equivalents of the claimed subject matter. Favorable reconsideration of the present application is respectfully requested in light of the amendments and remarks which follow.

As an initial matter, Applicants thank the Examiner for the courtesy of the telephonic interview on September 22, 2005. Applicants also appreciate the thoughtful consideration provided by the Examiner handling the prosecution of the instant application.

**35 U.S.C. §103 Rejection**

Claims 25-27, 29-31, 32-34, 36-41, 43-47, and 49-50 are rejected under 35 U.S.C. §103(a) as being unpatentable over **Weber et al. (US 5,190,976)**, in view of **Durant et al. (US 6,013,675 and US 6,153,604)**. It is alleged that Weber discloses positional isomers of compounds utilized in the instant invention, and that it would have been obvious to one of ordinary skill in the art to combine the teachings of Weber with Durant to arrive at the compounds utilized in the claimed invention.

The rejection is respectfully traversed. The cited references, even in combination, do not teach or suggest the methods or compounds of the invention in any manner sufficient to sustain the rejection.

As the principal reference is understood, Weber discloses guanidine compounds of the formula  $(R)NH-C(NH)-NH(R')$ , wherein the R and R' groups are non-hydrogen substituents. The Durant citations disclose a generic formula of mono-, di-, tri-, and tetra-substituted guanidines.

Neither Weber nor Durant provide exemplification of a guanidine compound that meets the criteria of Applicants' claims. That is, neither Weber nor Durant offer examples of a guanidine compound of the formula  $(R)(R^1)N-C(NH)-NH_2$  wherein R and R<sup>1</sup> are non-hydrogen substituents. On the contrary, the examples provided by Weber are directed to di-substituted guanidines of formula  $(R)NH-C(NH)-NH(R')$ . Of the 86 specifically delineated species in Weber, none have Applicants' primary amine  $-C(NH)-NH_2$  moiety. In contrast, the examples provided by the Durant references are directed to di-substituted guanidines of formula  $(R)NH-C(NH)-NH(R')$ , and tri-substituted guanidines of formula  $(R)NH-C(NH)-N(R')(R'')$ . Of the 173 and 56 specifically delineated species in Durant '604 and '675, respectively, none have Applicants'  $-C(NH)-NH_2$  moiety. Therefore, Weber in view of Durant, fail to provide sufficient teaching or motivation of di-substituted guanidine compounds, wherein the non-hydrogen substituents are attached to the same nitrogen.

Nonetheless, in order to expedite allowance of the application, the claims have been amended. In particular, Applicants have amended claims 25, 32, 39, and 45 to include the generic formula wherein the "R" group includes a substituted or unsubstituted carbocyclic aryl having at least about 5 ring atoms, or substituted or unsubstituted aralkyl having at least about 5 ring atoms. Applicants respectfully request withdrawal of the rejection.

### CONCLUSION

In view of the above, reconsideration and withdrawal of all rejections and allowance of presently amended claims 25-27, 29-34, 36-41, 43-47, and 49-50 are respectfully solicited. Accordingly, the Examiner is respectfully requested to pass this application to issue. Should any of the claims not be found to be allowable, the Examiner is requested to telephone Applicants'

Application No. 09/637,774  
Amendment dated November 16, 2005  
After Final Office Action of May 19, 2005

Docket No.: 42982C1C(47843)

undersigned representative at the number below. Applicants thank the Examiner in advance for this courtesy.

The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Attorney Docket No. 42982C1C (47843), Customer No. 21874.

Dated: November 16, 2005

Respectfully submitted,

By Christine C. O'Day  
Christine C. O'Day

Registration No.: 38,256

Dwight D. Kim, Ph.D.

Registration No.: 57,665

EDWARDS ANGELL PALMER & DODGE LLP

P.O. Box 55874

Boston, Massachusetts 02205

Tel.: (617) 439-4444

Fax: (617) 439-4170

Attorneys/Agents For Applicant